

REMARKS

1 Claims 1-25 have been presented for examination in the
2 above-identified U.S. Patent Application.

3
4 Claims 1-25 have been rejected in the Office Action
5 dated July 18, 2007.

6
7 Claims 1, 6, 8-15, 18, 19, 21, 23, and 25 have been
8 amended by this Amendment A.

9
10 Claims 7, and 16, 17, 20, and 22 have been cancelled.

11
12 Claims 1-6, 8-15, 18, 19, 21, 23-25 are still in the
13 Application and reconsideration of the Application is
14 hereby respectfully requested.

15
16 Referring to Paragraph 2, Page 2 of the Office Action,
17 Claims 1-2, 4-5, 11-15, and 17-20 have been rejected under
18 35 U.S.C. 102(e) as being anticipated by U.S. 7,225,322
19 issued in the name of Folmsbee, here-in-after referred to
20 as Folmsbee. Referring to Paragraph 3 on Page 6 of the
21 Office Action, Claims 3, 6-10, and 16 have been rejected
22 under 35 U.S.C. 103(a) as being unpatentable over Folmsbee,
23 cited above, in further view of U.S. Patent 6,240,183
24 issued in the name of Marchant, here-in-after referred to
25 as Marchant. Referring to Paragraph 4 on page 9 of the
26 Office Action, Claims 21-25 have been rejected under 35

1 U.S.C. 103(a) as being unpatentable over Folmsbee, cited
2 above, in further view of U.S. Patent 5,287,508 issued in
3 the name of Hejna, et al, here-in-after referred to as
4 Hejna.

5

6 Before discussing the relation of the references to
7 the invention disclosed by the Application, a summary of
8 the present invention is discussed. The present invention
9 is designed to protect the execution of software programs
10 that are generated by a first processing unit, distributed,
11 and executed by a second processing unit. In order to
12 protect the distributed programs, each second processing
13 units (or units) are provided with an identification
14 number. The first processing unit has knowledge of the
15 identifying number(s) and encrypts the software files using
16 at least a portion of the identifying number. The
17 identifying number is known only to the first processing
18 unit. The second processing unit alone can access the
19 identifying number. The second processing unit is provided
20 with a software procedure that, when combined with the
21 identifying number portion, can decrypt the software
22 program. The identifying number is known to the first
23 processor and is only accessible to the target (decrypting)
24 processing unit itself. In this manner, a software program
25 is encrypted in a central facility, the encryption being
26 performed using at least a portion of an identifying number
27 associated with the target processor. The target processor
28 includes a decrypting software procedure that requires the
29 identifying number, available only to the second processor

1 itself, to decrypt the encrypted software provided by the
2 first processor.

3

4 Referring to the Folmsbee reference, Examiner, on Page
5 1, Paragraph 2 of the Office Action describes the reference
6 as disclosing "a processor for decrypting the encrypted
7 software program". However, referring to Column 7,
8 line 2 of the Folmsbee reference, "The inventive CPU 11 is
9 not a data decryption device according to the present
10 invention. The inventive CPU 11 is designed to receive
11 scrambled instructions, but not to decrypt them. Instead,
12 it uses scrambled instructions and outputs results from
13 calculations by operating in a mode that accommodates the
14 particular encrypted form of the data." In support of this
15 description of the Folmsbee reference, in Column 5, Lines
16 7-9 "The encrypted instructions are thus in a form that can
17 only be executed by a microprocessor configured according
18 to the matching key." In Column 5, Lines 20-23, is found
19 "In order to allow the CPU 11 execute programs which are
20 encrypted, the CPU also includes a programmable instruction
21 decoder 15 as well as circuitry to store information that
22 is specific to that particular CPU 11." In Column 5, Lines
23 29-32 is found, "The CPU is further configured with a
24 distributed plurality of memory stores used for specific
25 decoding information and for increasing the level of
26 security." In Column 5, Lines 38-42 is found, "According
27 to the invention, once the CPU 11 is configured in a
28 particular way, in order to use the particular
29 configuration, it is necessary to compile program
30 instructions which are modified in order to be executed by

1 the particularly modified CPU 11." The reason for these
2 quotations from the reference is to emphasize that the
3 identification number provides a different function from
4 the identification number of the invention. In the
5 invention, the identification number serves as a key to
6 encrypt a software program in the host processor and as a
7 key to decrypt the key-encrypted software program in the
8 target processor. The encryption is performed without the
9 requirement of a compiler involvement and without a
10 configured target CPU or without configurable target CPU
11 components.

12
13 Summarizing, the Folmsbee reference discloses an
14 entirely different invention, the use of the identification
15 number being far more elaborate than the
16 encryption/decryption scheme of the present invention.
17 Therefore, rejection of independent Claims 1, 11, and 19
18 under 35 U.S.C. 102(a) over Folmsbee is respectfully
19 traversed.

20
21 Referring to the Marchant reference, the use of a PIN
22 number is described in Lines 20-26 of Column 2. "Once the
23 encrypted message sent to a user (or any time), the user in
24 a similar fashion uses the public code and the secret PIN
25 in order to access the encryption schema within his
26 security unit in order to determine not only which
27 encryption algorithm to use, but also to determine how many
28 bytes should be encrypted using the encryption algorithm."
29 In contradistinction, the equivalent of the PIN is used in
30 the present invention to encrypt the software program to be

1 transmitted. At the receiving entity, the equivalent of a
2 PIN number is used as a key, along with a decryption
3 software procedure stored in the memory to decrypt the
4 transmitted software package. This use in the present
5 invention of the equivalent of a PIN as an
6 encryption/decryption key is however, clearly present in
7 the independent Claims, as amended, of the Application.

8
9 Consequently, rejection of independent Claim 6 under
10 35 U.S.C. 103(a) over Folmsbee in view of Marchant is
11 respectfully traversed.

12
13 Referring to the Hejna reference, this reference
14 pertains to the scheduling of multi-process programs in a
15 processor. Each program is given a non-consecutive time-
16 slices in which to execute at least a portion of the
17 program. It is not clear how this reference relates to
18 independent Claims 1, 6, 11, and 19, as amended, of the
19 Application.

20
21 In view of the belief in the allowability of
22 independent Claims 1, 6, 11, and 19 as discussed above and
23 in view of the comments with respect to Hejna, rejection of
24 Claims 1, 6, 8-15, 18, 19, 21, and 23-25, the Claims
25 remaining in the Application is hereby respectfully
26 traversed.

CONCLUSION

1 In view of the foregoing discussion and the foregoing
2 amendments, it is believed that Claims 1, 6, 8-15, 18, 19,
3 21, and 23-25 are now in condition for allowance and
4 allowance of Claims 1, 6, 8-15, 18, 19, 21, and 23-25 is
5 respectfully requested. Applicant hereby respectfully
6 requests a timely Notice of Allowance be issued for this
7 Application.

Respectfully submitted,

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